The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 2 3 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKUJI GODA,

MAKI NAKAMURA

and

TOSHIAKI MİZUNO

Appeal No. 2005-2256 Application No. 09/755,047

ON BRIEF

Before KIMLIN, GARRIS and OWENS, <u>Administrative Patent Judges</u>.

KIMLIN, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 8 and

- 10. Claim 8 is illustrative:
- 8. A glass substrate for a display comprising:

an alkali-containing glass substrate;

an under layer for preventing diffusion of alkali ions formed on a surface of said alkali-containing glass substrate;

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a barrier film mainly formed of at least one of indium oxide and tin oxide, and deposited on the under layer;

an insulating film deposited on the barrier film and having a surface electrical resistance kept in a range from $1.0 \times 10^6 \ \Omega/\Box$ even after heating process at $550 \ C$ for 1 hour; and

an electrode film for forming a display panel deposited on the insulating film so that diffusion of metal ions of the electrode film into the glass substrate is substantially prevented by the barrier film and insulating film.

The examiner relies upon the following reference in the rejection of the appealed claims:

Tsai et al. (Tsai) 5,808,715 Sep. 15, 1998

Appellants' claimed invention is directed to a glass substrate for a display panel, e.g., a plasma display panel, a liquid crystal display, etc. The substrate comprises an under layer, a barrier film of at least one of indium oxide and tin oxide, an insulating film on the barrier film having the recited surface electrical resistance, and an electrode film deposited on the insulating film.

Appealed claims 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tsai.

We have thoroughly reviewed the respective positions of appellants and the examiner. In so doing, we agree with appellants that the examiner has failed to establish a prima

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facie case of anticipation. Accordingly, we will not sustain the examiner's rejection.

We concur with appellants that Tsai does not describe, within the meaning of § 102, an electrode film deposited on an insulating film. According to the examiner, "[e]lectrode film 10a is deposited on the TiO₂-SiO₂ overcoat 15b (see Figure 2, and column 4, lines 3-14)" (page 5 of Answer). However, as depicted in reference Figure 2, Tsai describes a spacer that is disposed between electrodes 10a and 10b which separate the electrodes by a constant distance, which distance is filled with liquid crystal 17 and sealant 18 (see column 4, lines 41-45). Accordingly, based on this clear teaching in Tsai, we cannot subscribe to the examiner's position that electrode 10a of Tsai meets the claim 8 requirement of being "deposited on the insulating film" (emphasis In our view, when the claim language is read in light of added). the specification, it does not encompass the embodiment illustrated in Figure 2 of Tsai.

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Accordingly, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

REVERSED

Edward (Kulti EDWARD C. KIMLIN Administrative Patent Judge

BRADLEY R. GARRIS
Administrative Patent Judge

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Terry J. Owens)
TERRY J. OWENS)
Administrative Patent Judge)

ECK:clm

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